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United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. JOSE BAULDIO GASTELUM, Defendant.	Criminal Case No. 08-MJ-8509-PCL UNITED STATES' RESPONSE TO DEFENDANT'S MOTIONS: (1) TO COMPEL DISCOVERY; (2) TO PRESERVE EVIDENCE; AND (3) TO INCORPORATE MOTIONS INTO INDICTED CASE

COMES NOW the Plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney and Charlotte E. Kaiser, Assistant United States Attorney, and hereby files the following Response to Defendant's Motions: (1) to Compel Discovery; (2) to Preserve Evidence; and (3) to Incorporate Motions into Indicted Case.

Defendant's Motions because they are improperly before the Court pursuant to Federal Rule of Criminal Procedure 59 and Local Criminal Rules 57.3 and 57.4. Because a district judge has not referred Defendant's Motions to the Court, they cannot be heard at this time.

DATED: June 18, 2008

Respectfully submitted,

Karen P. Hewitt
United States Attorney

s/Charlotte E. Kaiser
CHARLOTTE E. KAISER
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. JOSE BAULDIO GASTELUM, Defendant.	Criminal Case No. 08-MJ-8509-PCL **CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED THAT:

I, Charlotte E. Kaiser, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of United States' Response to Defendant's Motions: (1) to Compel Discovery; (2) to Preserve Evidence; and (3) to Incorporate Motions into Indicted Case by electronic mail to:

Robert Rexrode, Attorney for Defendant
robert-rexrode@rexrodelawoffices.com

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on June 18, 2008.

/s/Charlotte E. Kaiser
CHARLOTTE E. KAISER
Assistant United States Attorney